

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

UNITED STATES :
:
v. : Criminal No. JRR- 21-494
:
TYRIK BRAXTON :
:
Defendant :

MOTION TO CONTINUE SENTENCING DATE

Tyrik Braxton, through counsel, respectfully asks this Court to continue the sentencing in this matter, which is currently set for January 10, 2024, by approximately 45 days. In support of this motion, Mr. Braxton states as follows:

1. In June of 2022, while in the custody of the United States Marshals at CDF, Mr. Braxton was assaulted and stabbed repeatedly by another inmate, including in his eye. As a result of this assault, Mr. Braxton has been undergoing treatment, including surgeries, to treat the injury to his eye.
2. Because a defendant's physical and medical condition is a highly relevant consideration for purposes of sentencing, undersigned counsel have sought the defendant's medical records from University of Maryland and Johns Hopkins. Although defense counsel sought the records on October 3, 2023, those University of Maryland records were only received on December 1, 2023. The records produced were voluminous, consisting of 965 pages. Furthermore, despite the fact that defense counsel followed up with Johns Hopkins in November, Johns Hopkins has not yet produced the medical records. These are particularly important because Mr. Braxton received treatment for his eye injuries at Johns Hopkins.

3. Once all records are received, undersigned counsel will need significant time to review these records, discuss them with Mr. Braxton, and to review them with a physician who can help counsel to understand and present the medical information therein for the Court's consideration at sentencing. As the Court is aware, undersigned counsel have already engaged an expert, but given the volume of information, the upcoming holidays, and other obligations, that expert has notified counsel that he needs additional time.
4. Mr. Braxton is currently in custody, and has been since the date of his arrest.
5. We respectfully submit that a full and detailed consideration of Mr. Braxton's medical condition is necessary to impose a sentence in accordance with 18 U.S.C. § 3553(a).
6. The government has noted that it objects to the continuance request after consulting with the victim's family.¹

¹ Initially, the government stated that this was because the victim's mother took January 10, 2024 off of work to attend sentencing. When undersigned counsel asked whether the victim's mother could reschedule the day off, the government stated that it did not inquire about this, but the case has "taken a continuing emotional toll on her." Mr. Braxton and undersigned counsel are mindful that this case has no doubt been traumatic and has taken an emotional toll on the victim's family. We note, however, that co-defendant LaRose's case has yet to be resolved, and thus Mr. Braxton's sentencing will not end this matter. Furthermore, it is in the interests of justice, and all involved in this case, that the Court thoroughly and completely consider all of the relevant facts at sentencing to impose a fair sentence in accordance with the law.

WHEREFORE, for all of the foregoing reasons, Mr. Braxton respectfully asks this Court to continue sentencing in this matter by approximately 45 days.

Respectfully Submitted,

By: /s/ Eugene V. Gorokhov
D MD Bar. 07233
Attorney for Defendant
BURNHAM & GOROKHOV, PLLC
1750 K Street NW, Suite 300
Washington, DC 20006
(202) 386-6920 (phone)
(202) 765-2173 (fax)
eugene@burnhamgorokhov.com

Teresa Whalen

Teresa Whalen
Law Office of Teresa Whalen
801 Wayne Avenue, Ste. 400
Silver Spring, Maryland 20910
(301) 728-2905
Federal Bar: 25245